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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER WANG, SHENGJUN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1 RECORD OF ORAL HEARING
2 UNITED STATES PATENT AND TRADEMARK OFFICE
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4 _____
5 BEFORE THE BOARD OF PATENT APPEALS
6 AND INTERFERENCES
7 _____

8 *Ex parte* ISABELLE ROLLAT-CORVAL and HENRI SARNAIN
9

10 _____
11 Appeal 2009-003513
12 Application 09/719,101
13 Technology Center 1600
14 _____

15 Oral Hearing Held: October 7, 2009
16 _____

17 Before DONALD E. ADAMS, LORA M. GREEN, and JEFFREY N.
18 FREDMAN, *Administrative Patent Judges*.

19 APPEARANCES:

20 ON BEHALF OF THE APPELLANTS:

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 The above-entitled matter came on for hearing Wednesday, October 7,
2009, commencing at 10:15 a.m., at the U.S. Patent and Trademark Office,
600 Dulany Street, Alexandria, Virginia, before Deborah Courville, a Notary
Public.

PROCEEDINGS

THE USHER: Calendar Number 13, Appeal Number 2009-3513,
Mr. Sweet.

JUDGE ADAMS: Thank you.

MR. SWEET: Good morning.

JUDGE ADAMS: Good morning, Mr. Sweet.

MR. SWEET: Would you like my business card?

REPORTER: Okay. Thank you.

MR. SWEET: Sure.

JUDGE ADAMS: We're familiar with issues in your case. You have
20 minutes, and if you'd begin by spelling your name into the record for us,
we'd appreciate it.

MR. SWEET: Yes. Mark Sweet, S-w-e-e-t. I'm here for the
Appellant L'Oreal, and I intend to be very brief, not coming close to the 20
minutes. I just want to emphasize two points. The first point with respect to
the 112 rejection, we've been going back and forth with the Examiner about
the application of the University of Rochester case. And I believe that that
application is improper because our -- plain and simple, our specification
does disclose many different polymers, which is a key fact difference from
Rochester, which disclose nothing. That was the classic hope, you know,
hope in a plan case.

JUDGE FREDMAN: Okay. Not only do you have two things that
you bought, that were purchased, Eastman product and the other product,
AQ 1315 or something else, but you actually took about three pages of just
chemical description.

1 MR. SWEET: Yes. Okay. So let me move on to my second point.
2 With respect to the combination that the Examiner's made with the 103
3 rejection, I just want to emphasize that I don't believe that the Examiner has
4 properly considered the references as a whole when they're making the
5 combination. The Examiner does point, as you just mentioned, those
6 Eastman AQ resins. I don't know exactly the Examiner's thought process,
7 but it appears to me that the primary reference, you know, has an
8 Eastman AQ resin in it, but with a higher TG. And then they're relying on a
9 secondary reference which has an Eastman AQ resin in it with a lower TG.
10 However, I believe that the properties are completely different. The use, you
11 know, a hot-melt adhesive for a cardboard box versus a hair treatment
12 composition are very divergent. And the properties that you're looking for
13 in the primary reference, to have something, you know, with comb-ability
14 and low stickiness, go directly against the properties set forth in the
15 secondary reference of this, you know, super-strong hold for this hot-melt
16 adhesive, again, for cardboard box applications.

17 So I just -- I think the Examiner was focused on the fact that they're
18 both Eastman AQ resins. But as the primary reference itself points out on
19 page 2, that, I mean, some of these resins are known to have good setting or
20 holding, but removability from hair is quite poor, and I think -- I mean, that
21 could be an example of the Eastman AQ polymer secondary reference. I just
22 don't see the predictability and the expectation of success that you need for
23 the Examiner's combination.

24 JUDGE FREDMAN: Well, and, additionally, Lee actually, which is
25 an adhesive about 3 centipoises. Miller teaches that he wants to hot melt at

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1 1500 to 30,000 centipoises, a rather different set of ranges for the
2 adhesiveness of the composition, for this -- to be the composition. But that's
3 essentially the adhesiveness, yes.

4 JUDGE ADAMS: Anything else?

5 MR. SWEET: No.

6 JUDGE ADAMS: All right.

7 JUDGE GREEN: No?

8 MR. SWEET: No.

9 JUDGE ADAMS: Thanks for coming.

10 MR. SWEET: Thank you very much.

11 JUDGE FREDMAN: Thank you.

12 (Whereupon, the proceedings, at 10:15 a.m., were concluded.)
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